



# Town of Carlisle

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Office of

PLANNING BOARD

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## MINUTES OF MEETING JUNE 27, 1994

Chair Colman opened the meeting at 8:07. Present were board members Chaput, Yanofsky, Duscha and Hengeveld and Selectman Anderson. Board member LaLiberte arrived at 8:15.

The minutes of June 13, 1994 were approved as amended on a motion by Hengeveld, seconded by Duscha. Duscha, Chaput, Hengeveld and Colman voted in favor with Yanofsky abstaining. Bills were approved as presented.

**TOLS update and discussion** Yanofsky had missed the meeting of the marketing subcommittee (really a public relations committee, she explained), but reported they were to discuss the importance of keeping all boards and townspeople aware of the activities of the TOLS committee. She raised an issue which was of concern to her: that the land swap committee members are unhappy with the fact that the planning board has not supported the land swap. She stated that many people who are working on "the deal" feel this package is the only chance to obtain a town hall and preserve the Malcolm land. She stated that her personal opinion of the merits of the deal hasn't changed, but she looked to the board for support and direction in representing their opinions, and for greater board presence at TOLS meetings. Colman explained that he had attended meetings of the School St. neighborhood group, and the group which evolved out of that, called Citizens Interested in Carlisle's Future, which is generally opposed to the use of the Congregational Church as a town hall. Colman has represented the board's opinion at those meetings, and is against the swap, as well. Anderson mentioned that he'd gone to the marketing committee meeting, and that the major issue had been whether to do a mailing to the town, and whether that mailing should be a balanced presentation of both sides or one which advocates one position. He felt the conclusion seemed to be that both could be accommodated in a mailing. Yanofsky suggested the board initiate a meeting with the TOLS committee in order to present the board's position, rather than wait for TOLS to come to the board. She asked members to call her with personal concerns this week, and she will prepare a statement from the board. One half hour will be set aside on the July 11 agenda for discussion of the statement.

**Citizens Interested in Carlisle's Future** Howard Hensleigh, Jan Hensleigh, Greg and Carol Sullivan, and Ralph Anderson represented this group. Hensleigh thanked the board

for its interest in long term planning for Carlisle and for its town meeting position against the TOLS package as it was presented at that date. He asked that the board take a prominent role in future work on this proposal. Anderson made a presentation which emphasized the importance of the careful siting of the town hall, and reviewed the conclusions reached by three planning studies over the past 34 years. All three, the 1960 Benjamin study, the 1975 John Brown study, and the 1988 Tappe study, concluded that the Conant land is the best site for a town hall. The Tappe study was asked specifically to evaluate the Congregational Church for town hall use. Anderson stated that the citizens group plans to present a warrant article at town meeting asking for further study of the Conant land alternative. Jan Hensleigh urged the board to take a leadership role on the issue of long term planning for Carlisle.

**Town Counsel Review** LaLiberte reported on the Selectmen's meeting he had attended at which the Selectmen interviewed four firms: Murphy Hesse Toomey and Lehan; Mirick O'Connell DeMailie and Lougee; Palmer and Dodge (P. & D.); and Kopelman and Paige (K. & P.), our current counsel. He reviewed the format used at the interview, whereby the legal teams made presentations and then were questioned by the board. The Selectmen asked several questions of each firm: In discussing hourly fees, do they offer seminars and memos free to town boards? How accessible are they and what would the procedure be when the town boards need help? LaLiberte explained that the Selectmen were unhappy with K. & P.'s responses on two issues: the use of 80 Russell St., and potential noise abatement at the cranberry bog. LaLiberte then discussed his conclusion that the board would be best served by staying with K. & P., and referred the board to his draft letter. He felt that the planning board gets reasonably quick and valuable help from Cutler and Lane, and that the firm now knows Carlisle far better than a new firm coming in would. They and P. & D. are the top municipal firms in Massachusetts, yet K. & P.'s rates were the lowest of the four. He felt Carlisle cannot afford P. & D.'s acknowledged expertise. Chaput moved and Hengeveld seconded that the letter submitted by LaLiberte be sent to the Selectmen; the board voted unanimously in favor. Anderson revealed that K. & P. principal Kopelman had offered to serve as lead counsel at the same hourly rate as his associates, and to forgo any fee for work which the board deemed unsatisfactory.

**MAPC** Yanofsky reported that MAPC has submitted open space funding legislation; if it passes, the funds could be applied for by using our updated Open Space and Recreation Plan.

**M.P. subcommittee** Chaput reported the group has met and has agreed to start by sorting data according to an outline devised by Evans. The outline combines the chart devised by Hughes for planning day 1993 with the Chapter 41 M.P. categories as presented in the Yanofsky Duscha report of last fall. Colman asked the committee to try to determine how many hours of the P.A.'s time would be needed for M.P. work.

**rules and regs subcommittee** Colman reported that the committee had met and felt they would be able to finish a first draft on SROSC rules and regs at their next meeting. They will then move on to the revision of special permit and subdivision rules and regs. The

P.A. gave the committee data and ideas which she had been collecting and working on. Yanofsky urged the committee to send the SROSC rules and regs to the Board of Health soon.

**MAGIC** Duscha reported on the progress of the regional water study. The group has met in Carlisle and is attempting to ascertain possible sources of point source water pollution heretofor unknown to the town. She said the study will provide model bylaws for water protection from other towns.

**Open Space and Recreation Plan update** Duscha reported the Open Space and Recreation Plan update committee hopes to complete the update within 6 weeks.

**Nickles Lane** The board discussed the information regarding Nickles Lane which had been sent in their packets, including a letter from Town Counsel Cutler and a letter from Fire Chief Koning, and a supplementary sheet which had been handed out at the meeting. Cutler confirmed that Carlisle's requirement for completion in two years is indeed confirmation that the subdivision has lapsed; Koning cited the leak in the cistern and the fact that an inspection had not been requested when the cistern had been installed. The board agreed to give Senkler the time he'd asked for in a discussion with the P.A.: he had agreed to push his contractor to get the remaining work done, including the removal of the leaking cistern and its repair and proper installation, by July 8, or have another contractor come in to finish. Although Carlisle's subdivision rules and regs provide for automatic rescission if any conditions of approval are not met, and one condition of the Nickles Lane approval was that the subdivision be completed in two years ( deadline Oct. 31, 1991), the board recognized that a formal rescission would be difficult and at this time, unnecessary. It would be difficult because in order to rescind a subdivision in which lots have been bought and homes built and inhabited, it is necessary under Chapter 41, Section W, to acquire the approval of those homeowners. It is unnecessary because Senkler has completed most of the work, and the town holds \$76,000 of his money in a security fund, far more than would be needed to complete the remaining work. The P.A. was asked to check in with Senker regularly.

**Ice Pond** The P.A. reported that Hebb has told her he will give the board the survey data on the common drive when it has been reduced to print form. For now, it has been used only to stake lots 5 and 6 for sale. The P.A. asked Landtech for an estimate of cost to survey the common drive in order to determine the possible overlap of trail with paved way; the estimate had not yet been received. Colman will call Landtech regarding this. The P.A. reported that Cheryl Finn-Poole had called to ask whether the hemlock screen had been forgotten. She offered that the hemlocks, which were to be planted on Boiteau owned land on the East Street side of the wetland, could be planted on her property if that action avoided an altercation with Boiteau. Her assumption was that the trees were meant to be a screen for her home; the P.A. told her that she was not sure that is the case, and would check with the board. Chaput confirmed that the intent of the screen had been to enhance the perception of passersby in that they would be less aware that there are homes

quite close to East St. Finn-Poole told the P.A. she is very pleased with the board's efforts to keep the Ice Pond Road layout away from her property.

**ANR: Bishop, 321 Rutland St.** The board, on a motion by Yanofsky, seconded by Duscha, voted unanimously to sign the ANR creating two lots. The required ellipse, although not shown on the mylar, had been placed on a print by the engineer.

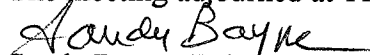
**ConsCom** Hengeveld reported that ConsCom will recommend that Palmer and Dodge be chosen town counsel. She also reported ConsCom has concluded certain telephone poles, which had been stored by Flannery on the Evans land at the end of Baldwin St., are hazardous materials in or affecting a wetland, and the Evans will be held responsible for disposing of them in the proper manner. She reported further that ConsCom has found that the noise created by the pump at the cranberry bog has been reduced.

**Housing Authority** Chaput reported that the Authority wishes to visit town boards to discuss its future role. The P.A. will arrange an appointment for the second meeting in July.

**Evans preliminary preliminary subdivision plan** The P.A. mentioned that the next meeting would include a presentation from the Evans family regarding the use of their land on Baldwin St. It will not be a formal preliminary plan submission.

**zoning bylaw amendment proposals** The P.A. mentioned that several citizens have called her to discuss the possibility of zoning bylaw amendments which would prohibit the crossing of town lines with new subdivision roads, and which would require that any homes built in Carlisle must have lots with frontage in Carlisle. These possible amendments have been raised because of the Hartwell Road problem, and because of awareness that a subdivision may be proposed in Chelmsford which may either provide access to formerly landlocked Carlisle land or use Carlisle land as part of the lots on one side of a road running parallel to the town line. The rules and regs subcommittee will review the present subdivision rule to see if it can be strengthened enough to provide the protection suggested. One caller also suggested placing some form of regulation in the town bylaws, which cannot be waived.

The meeting adjourned at 11:15.

  
Sandy Bayne, P.A.